

REMARKS

The last Office Action has been carefully considered.

It is noted that claims 13 and 15 are rejected under 35 U.S.C. 103 over PCT/UA00/0005 in view of DE 19639545.

Claims 1-12 are rejected under judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of copending application no. 10/192,523.

Claims 21-22 and 25 are indicated as allowable if rewritten or amended to overcome the rejection under 35 U.S.C. 112.

Claims 14, 16-20, 23-24 and 26-28 are indicated as allowable if rewritten to overcome the rejection under 35 U.S.C. 112 and to include all of the limitations of the base claim and any intervening claims. Also, some claims are rejected for formal reasons under 35 U.S.C. 112.

In connection with the Examiner's rejection of claims 13 and 15 under 35 U.S.C. 103(a) these claims have been canceled without prejudice.

Claims 14, 16, and 17 have been amended to include the subject matter of claim 13 and therefore to make them independent, and these claims together with claims 18, 19 and 20 which depend on claim 17 directly or indirectly should be considered as being in allowable condition.

Claims 1, 21-22 and 25 have been amended in formal aspects.

In connection with this, claims 1-28 should be considered now as being in allowable condition.

In connection with the Examiner's rejection of claims 1-12 applicant has submitted a Terminal Disclaimer disclaiming a part of the term of a patent to be issued on this application which is subsequent to a patent to be issued on copending application no. 10/192,523. It is believed that the rejection of claims 1-12 should be withdrawn as well. These claims should be allowed.


The Examiner's indication of the allowability of the claims in this application has been gratefully acknowledged.

It is believed that all the claims currently on file should be considered as allowable and such action is earnestly solicited.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-243-3818).

Respectfully submitted,

  
Ilya Zborovsky  
Agent for Applicant  
Reg. No. 28563